

REMARKS

Upon entry of the foregoing amendments, claims 2, 4-6, 8, and 39 are pending in the application. Claims 1, 3, 7, and 9-38 have been cancelled without prejudice or disclaimer thereto. Claims 2, 4-6, 8, and 39 have been amended. Support for the amendments may be found in the specification and in the claims as originally filed. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections

The Examiner has objected to the title of the invention for allegedly “not being descriptive of the elected invention.” Office Action, page 3. Not in acquiescence to the propriety of the objection, but rather solely to advance prosecution, Applicants have amended the title in accordance with the Examiner’s suggestion.

Applicants have also amended the priority statement as requested by the Examiner. Submitted herewith is a supplemental Application Data Sheet consistent with this amendment.

The Examiner has objected to the description of Figures 9 and 12. These objections were previously presented in the Office Action dated April 30, 2009, and the Examiner asserts that Applicants have not responded to these objections. Applicants respectfully disagree and direct the Examiner’s attention to page 2 of the Response filed October 29, 2009. However, solely to advance prosecution, Applicants amend herein the description of Figures 9 and 12 in accordance with the Examiner’s recommendations.

The Examiner has also objected to the Oath and Declaration. A new Oath and Declaration will be filed under separate cover to correct the alleged defect.

Accordingly, Applicants respectfully request that the objections be reconsidered and withdrawn.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 4, 6, and 8 have been rejected under 35 U.S.C. § 102(b) as allegedly being unpatentable over Bjorkegren *et al.*, *Circulation* 101:227-230 (2000) ("Bjorkegren"). Claims 2 and 3 have been rejected under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a) as allegedly being unpatentable over Bjorkegren. Claim 5 has been rejected under U.S.C. § 103(a) as allegedly being unpatentable over Bjorkegren in view of McNamara *et al.*, *Atherosclerosis* 154:229-236 (2001). Applicants respectfully disagree. However, solely to advance prosecution and not in acquiescence to the rejections, Applicants have cancelled claims 1 and 3 and amended claims 2, 4-6, and 8 to depend directly or indirectly from claim 39. Applicants submit that the claims as currently presented are patentable over the cited references.

Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-6, 8, and 39 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. As discussed above, claims 1 and 3 have been cancelled, thereby rendering the rejection moot with respect to these claims.

Claim 2 as originally presented depends from claim 1. The Examiner alleges that it is unclear how claim 2 limits claim 1. Claim 2 as currently presented depends from claim 39 and specifies that the enriched HDL recited in claim 39 is a large HDL.

As such, Applicants respectfully submit that claim 2 is in compliance with the definiteness requirement.

The Examiner also asserts that claim 39 is indefinite because there is allegedly insufficient basis for the term "the control sample." Solely to advance prosecution, and not in acquiescence to the rejection, claim 39 has been amended. Applicants respectfully submit that claim 39 as currently presented is in compliance with the definiteness requirement.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph, be reconsidered and withdrawn.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith to our Deposit Account No. 04-1105, under Order No. 61383(71699).

Dated: April 12, 2011

Respectfully submitted,
Electronic signature: / Kellie K. DiNapoli,
Ph.D., Esq./
Kellie K. DiNapoli, Ph.D., Esq.
Registration No.: 61,455
EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 517-5555
Attorneys/Agents For Applicant